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~~1681/746~~
1509/4/24.

LETTER

FROM

P A R I S

Written to a

NOBLEMAN

BY

Sir John Finet,

Master of the Ceremonies to King
JAMES the First.

CONTAINING

Many Substantial and Weighty Arguments to
prove the Unlawfulness of DUELS or
SINGLE COMBATS.

Never before Printed; and now Publish'd upon the Occasion
of the House of Commons Ordering a Bill to be brought
in for preventing the Impious Practice of DUELING.

Infelix pugna ubi majus periculum incumbit Victori quam
Victo.

L O N D O N,

Printed, and Sold by J. ROBERTS, near the Oxford-
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W. A. L. 1881

Georgianos, 80 Kilkenny



THE INTRODUCTION.

IT is observed of the People of this Nation, that their Humour is, to reject all Things they cannot carry just according to their present Fancy : And many good Designs for the Publick have been lost by endeavouring to make the First Scheme too perfect.

This is the Case, with Relation to the Suppression of *Duels* ; which has been as often attempted here, as in any other Nation, tho' not with the same good Success ; because we have mistakenly thought the Cure of so inveterate a Distemper was to be wrought all at once. They, have had Patience after administering the Remedy, to watch the Operation ; and according to the over-flow or violent Effects of it, alter'd their Prescriptions, till the Disease was wholly carried off. [a] The

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The House of Commons at this Juncture seems to be disposed to try what may be done towards correcting so great an Abuse : Therefore I thought it would be an Hour well spent, and an agreeable Service to the Publick, to point out beforehand some of those Authors Treatises, Discourses, and Laws, I have found Publish'd on this Subject, either by Foreigners or my own Countrey-men ; that so, such as have an Inclination, may readily inform themselves of the Sense and Opinion of Divines, Lawyers, and Soldiers, upon the Lawfulness or Unlawfulness of *Duels*.

The First Place is due to the Triumvirate of Civilians *Alciat.* *Bocer* and *Beuthier* * ; who have all written with great Judgment upon this Subject.

* *Alciat.* *de Singulare certamine*, Cap. 3.
Bocer, Lib. 2. Cap. 8.
Beutbeur, Conclus. 76.

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But the first Author I find of this Nation, who treats of *Duels*, is *Gulielmus Nyburgensis*, who flourish'd in the Reign of K. Hen. 2. His Book has been lately re-printed by Mr. Herne, at Oxford.

Next is the famous Mr. Selden. He wrote a small Book, call'd *The Duello or Single Combat*; wherein he treats of *Duels* in general, but particularly of the *Extrajudicial Duel*; which is our Subject, in Cap. 4. The Book is common, being lately re-printed.

In the Third Place, we may mention Sir *Francis Bacon*. His Charge against *Duels* in the Star-Chamber, when he was *Attorney General*, upon the Trial of *Priest* and *Wright*, the one a *Butcher*, the other a *Barber-Surgeon*, is well worth reading. It was printed by Order, in 1614. and now to be found in his *Resuscitatio*.

Bishop Hall in his *Cases of Conscience*, States this Question, *Whether I may lawfully make use of Duels for the deciding of my Right, or Vindication of my Honour*, Decad. 2. Calc. 2d.

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Bishop *Taylor* in his *Ductor dubitanti-um*, condemns the *Extrajudicial Duel*, as *unjust, uncharitable, unreasonable, against the Laws of God and Man, against the Piety of him that Survives, and the Hopes of him that Dies.* Lib. 3. Cap. 2. Rule 6. §. 213.

Dr. *Comber* Publish'd an Excellent Discourse in 1687; setting forth the Sinful Nature and Mischievous Effects of *Duels.*

The Prelates of *France* express'd their Detestation of the impious Practice of *Duelling* in an Instrument dated at *Paris*, *August 29. 1651.*

The Archbishop of *Ambrun* made an Elegant Remonstration to the King of *France*, in the Name of the whole Clergy, expressing the Satisfaction they had in observing his Majesty's Care in prohibiting *Duels*, *August 3d. 1653.*

The Council of *Trent* treats of *Duels* in *Sess. 25. Cap. 19.*

In the Year 1613, or thereabouts, was Printed a little Treatise, call'd, *The Duello foil'd*, by way of Question and Answer.

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Answer. It contains many good Arguments against the wicked Course of *Duelling*, and Instructions how a third Person is to behave himself in making up a Quarrel. The Original is in the *Cotton Library*.

In 1636, came out a Treatise, entitled, *The Duel's Anatomy*; wherein that *Monster* is dissected with great Art.

In the Second Volume of *Spectators* is a Lesson on this Subject, worthy the Perusal of Kings and Princes.

In *Julius Ferrettus's* Book *de antiqua illustranda & restauranda Militia*, are no less than 122 Questions upon the Matter of *Duels*. P. 170. *Venet.* 1575.

There is a handsome Discourse against *Unjust Valour in Duels*, written by Captain *Ward*. He was in the Service of K. *Charles the First*, in 1639.

The *Marshals of France*, upon a Declaration sign'd by a great Number of Gentlemen, never to fight a *Duel*, gave their Judgment, that the same was conformable to the King's *Edicts*, and the Laws of *Religion* and *Honour*. *Paris*, July 1651.

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Segar in his Book of Military Honour, hath severall Chapters upon *Duels*; but he being an *Herald*, most of it relates to *Judicial Duels*; and so is what Upton and other Heraldical Authors, have publish'd; Wherefore I omit mentioning them, as not altogether to the purpose.

The first publick Judgment I meet with in *England* against *Duels*, is in the 33d Year of the Reign of *Edw. I.* 1304, when Sir *Nicholas de Seagrave* was condemn'd to Death for challenging *John de Crumbwell*, and agreeing to go over into *France* to decide the Dispute between them by *Duel* in that Countrey. *Placit. de Term. Pasc. E. I.*

St. *Lewis*, of that Name the 9th, first prohibited *Duels* in *France*; many of his Successors follow'd his Example, but to little or no purpose, till *Lewis XIV.* came of Age, and enter'd upon the Government, in the Year 1643. This Prince, as in several other Attempts, so in this, was more fortunate than any of his Predecessors: And by a strict Examination of the Laws, and a proper

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per Use of his Sovereign Authority, taught his Subjects another Way of aspiring to Honour, than by killing one another for *Punctilio's* and *Trifles*. His last *Edit*, together with the Rules establish'd by the *Marshals of France*, concerning Satisfactions and Reparations in Quarrels, were translated, and printed at *London* in 1685.

But most of these seem to be out-done in point of Piety and Zeal, by our *Patifick K. James I.* who having with great Concern observ'd the quick Growth of this poisonous Weed in his Dominions, resolv'd to pluck it up by the Root ; and to that end, publish'd an elaborate Proclamation against *Duels*, with Directions annext to it how to proceed in judging and determining *Quarrels of Honour* ; in framing of which, he not only made use of the Advice and Judgment of his great *Lawyers* and *Counsellors* at home, but the Intelligence of all his *Ministers* and *Agents* abroad ; who were directed to transmit to him, or some of his *Privy Council*, the fullest and best Accounts they could gather,

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ther, of the Methods us'd to suppress the Vice of *Duelling*, in the several Countries where they resided. 'Twas on this Occasion the following Letter was wrote by Sir *John Finet*, to one of his Majeſty's Privy Council, the Original whereof is in the *Cotton-Library*.

In this small Collection may be seen the concurrent Opinions of Men of all Profefſions, in condemning the *Fantafick* Humour of *Duelling*. It would be no hard matter to add to the List; but that does not ſuit with my ſhort Design. Whoever will give himſelf time to perufe these few Authors and Laws, I have mention'd, or at leaſt ſome of them, will, I dare ſay, be effectually convinced of the absolute Necessity there is for a Law to ſuppreſſ ſo impious a Practice, and want neither Arguments nor Precedents to urge in behalf of it.

A



A

LETTER from *PARIS*,

Upon the Subject of

Duelling.

RIGHT HONOURABLE,

I Had sooner, and to better purpose obeyed your Lordship's Pleasure, in delivering the Circumstances of *DUELS* here, how quieted, or carried since their * last Edict ; if besides the Absence of my best Helps, and Deceits of others Promises, every Day almost had not trained me on with the Hope (if I may say so charitably) of some rare Example ; as, with the Report of sundry Quarrels (notwithstanding their severe Restraint) by Execution to give Life to a New Law, and Matter for my Observations for the Use of your Lordship.

S 1602.

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But

But finding more Smoak than Fire in these Heats--and Jealousies of Reputation ; and that the bravest Gallant can (for ought I see) be glad of so fair a Bridle, as a strict Edict to rein in a dangerous Forwardness ; I began to turn back to my own Judgment, and to so much as I had already drawn from others Enquiry, for the Account, rather than the Discharge of my Duty.

The particular Causes, Points, Carriages, and Compositions of the latest and freshest Differences, I cannot yet come by (other than by flying Report ; whose Word I dare not so far trust, to give mine for it to your Lordship.) Such Secrets rest in the Hands of Publick Ministers, with whom my private Condition hath small Credit. So the Reasons and Lights I shall produce, in a Matter so worthy of all due Illustration, are like to prove as mean as the Means that afford them ; yet all proceeding of a dutiful Endeavour, whose directest Aim in this, is your Lordship's Pleasure and Satisfaction.

To begin then at the Spring-Head of this Civil, or rather Domestick Mischief of private Quarrels and Duels : I cannot find, either by History, Report or Tradition of this Nation, that they were in practice, (at least with so current an Abuse) till after the

Combat



Combat granted by *Henry the Second* to * *Jarnac* and *Chategnereye*; wherein the latter, an especial Favourite, overcome and slain, left such an Impression of his Loss on the King his Master, as drew from him a solemn Oath never more to grant Combat: Whereupon succeeded the licentious Course of *Duels*; every one thenceforth assuming to himself the Liberty of Challenge and Fight, at his pleasure, which before was esteem'd a kind of Treason, and Usurpation of the King's Prerogative, in whom only rested the Allowance or Disallowance of Single Combats. And thereupon (that the Devil might have the more Blood-Offerings made him upon the Altar of *Nemesis*) grew the *Lie*, Words of *Disgrace*, *Punctilio's* and Aspersions of *Honour*, to carry a more strong Sense than before, in the weak Opinions of Men professing Arms and Valour, those becoming Causes of Mortal Quarrels, which our Great Grandfathers, and long before them, the Ancient *Romans* and *Grecians*, true Purchasers and Preservers of Honour, never understood or dreamt of. But such false Impressions, Infections of good Blood, may seem as Plagues, poured in this latter time, forth of the Vial of God's Wrath, upon the *Minds* of Men, as are other loathsome Diseases upon their *Bodies*;

such as Former Ages never felt, at least never discovered.

The Diseases are certain; so must the Remedies be too, as near as Art, Reason and Experience may be able to invent them. The Physicians of State, especially of this, where the *Contagion* of *Quarrels* hath been for a long time more *Pestilent* than elsewhere, have often Assembl'd, and prescrib'd for the Cure of this *Frantick* Evil of *Duels*.

During the Reign of *Henry the Third*, many of his Bravest Nobility, and of these, some of his Greatest Favourites, came to their untimely Ends by this poisonous Infection, notwithstanding the King's Endeavour to stop the Course of it by his several Edicts and Ordinances.

Many have searched the Reasons why so good Laws should meet with so ill Observatiōn: Some attribute it to the Remissness of the King, and by his Example, of the interior Magistrate; when by often granting of Pardons, and slighting over the due Punishment of Crimes with Connivance or Indulgence, it bred Presumptions in such as naturally or maliciously stood always ready to Offend, to venture upon the like Favour, as they had Examples to encourage them.

Others

Others are of Opinion, that the strict forbidding of *Duels* gave Men the better Stomach to them, as to Forbidden Meats, and stirred in them rather a Desire to fight, than fear to be punish'd, like Women, to whom Jealousies and Restraints are Provocations: *Love* and the *Desire of Honour* (true or false) being two of the most violent Agitations of the Soul that hardliest endure Suppression or Controulment: Neither is it strange, that he that will dare to stake down himself *Body* and *Soul*, to another in a *Duel*, should put it to adventure for the Course of Justice, when he shall have slain his Enemy, be the threaten'd Punishment never so severe; since fighting, as he pretends, for *Honour*, it will be dearer (he thinks) and the sweeter, the more dangerously he hath purchas'd it; especially, having his *Revenge* into the bargain. But these are false Grounds to build upon.

It is apparent, and within the compass of mine own Observations, that about some eight or nine Years since, when *Duels* were grown so licentiously familiar, as it was no less common to see Two try it out with *Rapier* and *Dagger*, stript to their Shirts in the Fields next *St. Germain's*, than that was some thirty Years agone to light upon a *Buckler-Fray* in *Fleet-street* or *Smithfield*.

The

The King had no sooner publish'd the *Edit of * Fontaynebleau*, but for some four or five Months after, not any Man was scarce seen to stir in a Quarrel ; every one standing at gaze who should first break that *dangerous Ice*. The first Offence was no sooner committed, and a Pardon granted, but all broke loose and return'd to the old Disorder : So that not the latter Reason of *Restraint*, but the first, of *Emisseness of Authority*, may seem to be the Cause of those quarrelsome Distempers, and the Disobedience to good Orders.

There are others that think private *Quarrels* and *Duels* to have been purposely tolerated and wink'd at, as the inseparable Mischief and the Tail of Civil War. These hold it necessary to suffer ill Humours contracted by general Discords, to spend themselves in that particular manner ; and to allow that the trayell'd Body of an Estate, over-heated by such violent Motion, should be let Blood at that Vein to discharge it of the Matter, which settling it self, might infect the more Noble Parts ; or purged by stronger Physick, debilitate the Whole to a greater Mischief. But this is to drink drunk for a Man's Health.

There are some again of Opinion, that as some Diseases are to have their Course, and not to be stop'd at all in a Instant, so this; Where the rough Physician may be more dangerous than the gentle; but these are but Speculations. Experience shews what the Toleration, the Impunity of these Abuses, hath brought this State to; where hath been found, that within the Space of *ten* Years, more than *six thousand* Pardons have been granted for the killing so many Gentlemen, (few Men of meanner Stuff, lying or dying with that unhappy Honour,) a Loss, perhaps, that ten Battles would not have received, at the Encounter of a mighty Enemy. *Definit esse remedio Locus ubi quæ fuerant vitia mores fiunt,* saith one.

This Kingdom had been brought to that point of Extremity, but that the Remedy apply'd, was suddain and excellent: The Advice of what is to come, may be said to be the Child, of what is past; so the Defect and slack Execution of the former Edict, may seem to have brought forth the Fulness, and threatned Severity of the last; such as hath hitherto restrained, between Fear and Respect, the head-strong Forwardness of this quick-sensible Nation; and is like so to continue, if the King by pardoning others, offend not himself, by the first Breach of it.

B

But

But how unhappy are we in *England*, that our Neighbours Amendment should be followed by our Sickness; they recovered, we languish.

Your Lordship knows, what strange Symptoms we have of late endured; and worse may ensue, if the blessed Order intended, bring not a speedy Remedy.

I have known one desperately Sick, who wanting no Counsel, nor Means of the best, to be found for his Recovery, hath been, nevertheless, content to hearken to a simple good Woman's telling him some homely Medicine; if he took it not, yet he favoured her to hear it; if he took it, perhaps he fared never the worse for it.

It were a presumptuous Folly in me, to think to be able to procure my Country's Ease in this Disease, when there are such excellent Ministers of State, as your Lordship, and others, for that Purpose; yet, that I may, with that good Woman, shew my good Will, I will be bold, (under your Lordship's Favour, (who honoured me, to employ me, an unskilful Emperic, in a Cure of such Importance) to produce such Remedies, as I have received from others, or found of my self by Discourse, or Con-
versation.

The

more acts need avil of devils to besides

The two main Points requisite in Reformation, are good Order, and due Execution; that, without this, is a Body without a Soul, and serveth rather to stir an Inclination in the Weak to offend, than a desire in the Offender to correct evil Habits. For, who, (I speak of the Natural Man) not illuminated by Grace, will cherish the Acquaintance of Goodness, with her Austerity; when Vice shall flatter him with the Fruition of Pleasure with Impunity?

As for Order, The late Course here, hath established it, the Breach of that brings forth Execution; which will appear, as Time and Manners afford Matter for it.

In the mean time, it will not be amiss, to examine the Likelihoods, and if any Defects offer themselves, or point at others, of such to make our Benefit.

The *Edict*, then (as out of my weak Collection, I can discribe) having in the Preamble spoken of a * former *Edict* published, (but so ill obey'd, as Duels are there confessed to have been since, more frequent,) goeth directly to work, to note the principal

In 1602.

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Sub-

Subject of *Quarrels* to have been the *erroneous Opinion* inrooted in the Hearts of the *Nobility* and *Gentry* of this *Realm*, that they cannot demand or seek Right for a revenged Wrong by other way than by Arms, without stain of Reputation.

If some of the main Wrongs (as they take them) for which they seek Right the wrong way, had been there spoken of, and that they had prepar'd for the removing and annihilating of them and their Effects, they had, perhaps, gone nearer the Root of the Mischief.

Of these Wrongs the *Lye*, is one of the Principal, devis'd, questionless, by the *Devil*, as were *Charming Words*, or *Spells*, for the Devilish Use of *Magicians*; who say themselves, that they have no Operation, unless our Belief accompany them; no more hath the *Lye*, but as it receiveth strength from our weakness: For if Men have the Benefit of Words bestow'd upon them to be the Interpreters of the Mind, for the Commerce of Wills and Meanings, the Virtue of them should only consist in the *Sence* they carry, and not in the *Letters*; and the *Injury* should lie in the *Truth*, not in the *Blame*: So we should be more offended with our selves for the *Reproach* of a *Truth*, because it is a *Truth*,

Truth, than because we are told of it ; and the more true Honour would that be, to make it appear that the Untruth lies in the Assertion, than to think our selves righted by giving a Lye, a Blow, a Challenge, as we now do, after the Tyranny of Custom. of this to end with nothing but blow and grind.

The like may be said, if upon the report of a Truth, or just reproof of a Fault, another give me the Lye ; may it not seem Revenge enough for me that the Lye lies by him that gave it me unworkably ? and a grind to oblige it is not all to a old night fellow.

III Words, like Pills, are to be swallow'd, not tasted ; if we chew them, they turn the Stomach, and meet with a preposterous Operation ; but the World reputes all such mild Temper, Coldness ; though it be a greater Coldness to be kiss'd out of Reason by the Breath of Opinion.

Cum vita profunt, peccat qui recè facit.

The Current of the World goeth the contrary way ; and he that seeks the Remedy, seeks that, as that honest Man did his drown'd Wife, against the Stream ; where he is never like to encounter it.

The

the Ease of it (since of the Remedy there is small hope) might perhaps be by some Conspiracy of Device; (as, when a singular Knot of Gallants agree to wear one manner of Suit, to give credit to a new Fashion), to bring the World into Opinion, that there were no Virtue or Power in a Lye, to repel either an essential or supposed Injury. So perhaps, few or none would make use of it, (no more than such as knew Terms of Honour do of giving a Lye upon a Lye), as of a thing wholly unprofitable. Or else, for a stronger

~~Method~~ ~~to~~ ~~be~~ ~~written~~ ~~in~~ ~~the~~ ~~same~~ ~~place~~
 add that such a method is to be found in the following
 This Method was afterwards used by a great number of
 the Quality and Gentlemen of France, who about the Year
 1651. made a publick Declaration and Solemn Protestation
 under their hands, to refuse all kinds of Challenges, and
 never to fight a DUEL on any Account whatsoever, in
 this Form:

The subjoin'd, by the present writing make a publick Declaration and Solemn Protestation of refusing all kinds of Challenges, and of not fighting any DUEL on any Occasion whatsoever; and of revoking all kind of Testimony of the Detestation they have of DUELS, as a thing wholly contrary to Reason, to the Welfare and Laws of the State, and inconsistent with Salvation and Christian Religion; tho' without renouncing the Right of repelling by all Lawful ways any Injuries that shall be offered them, according as their Profession and Birth shall oblige them to it; being also always ready on their Parts to give with Sincerity a right Understanding to those who shall conceive themselves to have some Cause of Resentment against them, and resolving not to give Occasion to any Man.

Curb,

Curb, an express Act to be made, with the Ordinance of a severe Punishment, to be impartially inflicted upon the Purse or Person of Lye-givers as Enemies of Common-hu-
manity, and most uncivil, most dangerous Offenders.

And as for the Lye, so Order to be taken for Words of Disgrace, Infamy, Slander, (for which, in England, we have already Laws in Force) of Stain, of Men's Faiths, Valours, (especially of such as profess Arms) of Dis-
honour to Mothers, Wives, Sisters; and above all, for strict proceeding against Carriers of Challenges, either by Word or Chartel, (of which the 12th Article of the Edict takes severe Notice) as no less, or more worthy of Punishment than the Parties provoked, whose Sense disturb'd, and Reason arrested by Chol-
ler commanding in Chief, have their Minds so invenom'd with the Imagination of the Offence, as Judgment is no more it self, being controuled by Predominancy of Passion.

* Art. 12. Whoever shall Challenge any Man to the Field, in behalf of another, or certify the Challenger, or be the Bearer of any dishonorable Speech, shall be degraded from his Gentry, deprived of Arms, be kept in perpetual Prison, or punished with some infamous Death, and forfeit for ever the half of his Goods.

And

And if in every Province, there were a certain Sett of Men appointed, with Authority to inquire of these Abuses, and to pass to their Punishment, (reserving Cases of extraordinary Difficulty or Moment, to higher and more awful Judgment) Offenders would, no question, be more circumspect, when they should see such Eyes and Hands over them, to discern and correct Disorders.

To proceed, The Edict having in the 1st, 2^d, and 3^d Articles enjoined a peaceable Life one with another, due Respect from Inferiors to Superiors; these to abstain from offending or insulting over those; and in the 4th, referr'd Matters unquestionable in the Law, to their lawful Remedy, forbidding all Form of Quarrel thereon, upon pain of Penalty to lose the Thing Controverted; descends in the 5th Article, to the Permission of demanding the *Combat*; when the Outrage is held so heinous, as that no way, but that of Arms can repay it, without leaving a Man's Honour interested.

The other Articles, to the 12th, are Declarations upon this Point. I have conferred with sundry about this Proceeding to the *Combat*; but cannot gather other than that it is the King's *Word*, rather than his *Intention*; and that as some have been held in Hand,

Hand, since the Publication of the last * Edict, that they shall have the *Combat* granted them, only to gain Time to see if that will settle their Spleens, and to amuse some, who stay their own Course, to gaze after the Success of others ; so he means, in Effect, not to grant any, but where the Cause may seem most extraordinary. It being a thing out of all Question, upon the old Experience, of this Nation's Humour, that if that *specious Way* of Reparation or Trial of Honour by *allowed Combat* be laid open, by one or two Examples, the King shall be never a Day clear of the Importunity of Demands ; since not the meanest † French Gentleman, but thinks himself, in Courses that concern the Defence of his Honour, worthy of as fair a Freedom, as the greatest Prince in the Kingdom.

Again, It appears by the 9th Article, That whosoever shall demand the *Combat*, without just Cause, as having too light a Ground for his Offence, shall be dismisse with Reproach. Now, the *Lye* is not determined to be the just Cause, nor any other (for

* In 1632.

† The Case was yet more extravagant in England ; for about the Year 1614, a Butcher and a Barber-Surgeon were tried in the Star-Chamber, for Duelling. See Sir Francis Bacon's Charge against Duelling, in 1614.

ought I can see) defined ; who then will venture a Complaint, to be reproved ? Unless he be as sure of the Equity of his Complaint, as the *Locrenses* must have been of the Goodness of the *Law* they meant to propound ; which they must not offer to do, without a *Halter* about the *Neck*, that if it were not esteemed wholesome for the *Common Weall*, they might be hanged out of Hand, as *busie Inno-vators*.

If the Causes of Demand of Combat had been expressed, or at least, touched in their Heads, the Law, no doubt, had been clearer, and the Law-makers Intention to have it duly executed, more apparent.

The Party offended is to address himself for Redress (as by the 6th Article) to the Officers there appointed, who are by the 7th, to Summon the Offender ; but if he be not summoned, there is no Penalty express'd for the Officer ; who is, perhaps, *Father, Brother, Ally*, or great Friend of the said Offender : Where then shall the Offended have his Remedy, but by being his own *Carver* ? Unless it be by his Recourse directly to the King, allowed him by the 8th Article) who, indeed, being the Person we most honour, is the most proper to determine the Extent of Honour.

Another

Another Defect that may appear in the Edict, is, that no Order seems to be taken for the Prevention of sudden Encounters which almost daily occur, and (as some think) are by some purposely plotted for *Couzenage* of the Law; as, with us in *England*, when two falling at Odds, one saith, that is my way Home, and the other makes it of Purpose to meet with him, which the first meant he should do, by that *inclusive Challenge*, avoiding the Danger of *wilful Murder*, if he chance (never so wilfully) to kill his Enemy; but the Danger of this cannot be much, as it cannot be often, and is readily hinder'd by parting. All the other Articles concern the Proceeding against the Infringers of the *Edict* either *Principals* or *Accessories* by Pecuniary or Personal Punishment, which are to receive Strength and Virtue according to the Stiffness or Slackness of their Execution.

The main Sinequa of this are Examples, which (as good Men here doubt) are likelier to find Matter than Will for their Exercise; contrary to the Humour of the *severely Politick Venetian*, who thinks his new Law can encounter no greater Happiness, than to have a speedy Operation upon some especial Offenders: The greater the Person, the better the Effects by the Terror that follows such Impartial Justice. I remember, at my being in

Italy, there came a *Bando* out against *Pistols*: Whosoever was found to carry any, was to be Hanged, or upon *Favour*, to pass Ten Years Slavery in the *Gallies*: A Gentlemen of *Vero-na* of a Good House, that either heard not, or fear'd not the Law, was taken some Three Days after the Publication, with two about him: His Indictment immediately form'd, his Sentence that Day pronounced, he was the the next Day Hang'd with the two Pistols tied to his Feet, for the World to take the better Notice of the Cause of his Punishment. We credit our *Eyes* more than our *Ears*. The Way by Precept is about; the readiest is by Example.

I have held your Lordship too long with these Impertinencies: The Reason why I have searched out, and produced these poor Reasons, was to obey your Lordship; and rather by their Discourse to understand somewhat, than to vaunt my self to understand any thing, which is not already fully understood by your Lordship.

It rests, that I deliver that little I can learn, of what your Lordship seem'd more particularly desirous to be resolved; what Reparation they have here for the *Lye*, a *Blow*, calling of *Coward*, and the like?

They

They hold that *Words* may be repaid with *Words* (so *Wind* for *Wind*) demanding *Pardon*, whereof the *Shame* is a *Punishment*, acknowledging *Weakness*, *Choler*, *Mistaking*, &c.

The *Blow* goeth farther; as it brings more *Sence* with it; therefore *Pardon* must be crav'd with the more *Submission* of the *Assailant*, confessing that he *deserves*, and is ready to receive *the like* of him he hath offended; whom, if due *Respect* of *infringing* the *King's Laws*, and the *like* had not restrained, *his Life*, had been like *nough* to have paid for it; acknowledging the *Other's Valour*, *Gentry*, *Virtue*, and *his own Weakness*, both of *Passion* and *Ability*; wishing that he had *lost* of *his own Blood* when he suffered himself to be so transported, and the *like*: So far forth as the *Quality* of the *Cause* shall cause the *Judges* to urge or modifie his *Satisfaction*.

Where *Words* of *Reproach* provoke the *Lye*; or the *Lye* a *Blow*, upon a just *Choler*, the *Parties* seem to stand upon no great *Odds* of *Ground*, and are the more easily reconcilable; But an *Impertinent* or *Rash Lye*, or a *Blow*, given upon an *Implicit* or *Conditional Lye*, are those that are more reasonably to be repayed by the former Demand of *Pardon*,

These

These are the Collections (Right Honourable) I am able to frame here for the Service of my Country and your Lordship ; wherein, if but in *one Word* they please, I shall think it a Happiness.

And so beseeching the Almighty to bless the Endeavours of your Lordship in so excellent Work, and to impart to his most Excellent Majesty of his Heavenly Virtue, wherewith to dissipate that blazing Comet that fiery Exhalation which threatens nothing but *Blood* and *Horror* on the Heads of many of his faithful Subjects ; I humbly take my Leave, and rest

Your Lordship's
ever most Devoted to serve You,

Paris 19. Feb.
Sti. Ver. 1609.

John Finet.

F I N I S.



